

REMARKS

Claims 1-16 are pending in this application. By this Amendment, claim 1 is amended to incorporate prior claim 17 therein in order to include subject matter the Examiner has found allowable into claim 1. Claim 17 is correspondingly canceled. Further, claim 5 is amended in response to a rejection under 35 U.S.C. §112, first paragraph. Claims 18-21 are also canceled.

Entry of the amendments is proper under 37 CFR §1.116 since the amendments: (a) place the application in condition for allowance (for the reasons discussed herein); (b) do not raise any new issue requiring further search and/or consideration (as the amendment to claim merely incorporates allowable claim 17 into claim 1); (c) satisfy a requirement of form asserted in the previous Office Action; (d) do not present any additional claims without canceling a corresponding number of finally rejected claims; and (e) place the application in better form for appeal, should an appeal be necessary. The amendments are necessary and were not earlier presented because they are made in response to arguments raised in the final rejection. Entry of the amendments is thus respectfully requested.

I. Rejections Under 35 U.S.C. §112, First Paragraph

Claims 20 and 21 were rejected under 35 U.S.C. §112, first paragraph as allegedly failing to comply with the written description requirement. While Applicants do not agree that the subject matter of claims 20 and 21 was not adequately described in the original specification, Applicants nevertheless cancel claims 20 and 21 in an effort to advance this application towards allowance.

Accordingly, reconsideration and withdrawal of the rejection under 35 U.S.C. §112, first paragraph are respectfully requested.

Claim 5 was rejected under 35 U.S.C. §112, first paragraph as allegedly failing to comply with the written description requirement. In the rejection, the Patent Office alleges

that the specification does not adequately describe that the water-repellent agent recited in claim 5 is comprised of a mixture of at least two fluoroacrylate polymers. This rejection is respectfully traversed.

As the Patent Office is aware, the amendment to claim 5 to recite that the mixture included at least two fluoroacrylate polymers was made in response to a prior rejection under 35 U.S.C. §112, second paragraph. Previously, the Patent Office alleged that the original language in claim 5 reciting that the water-repellent agent comprised a mixture of fluoroacrylate polymers was unclear.

In view of the present rejection under 35 U.S.C. §112, first paragraph, Applicants have removed the language "at least two" from claim 5. This rejection is thus moot.

Further, Applicants strenuously object to any reinstatement of the prior rejection of claim 5 under 35 U.S.C. §112, second paragraph. Claim 5 is quite clear and definite in defining the water-repellent agent as including a mixture of fluoroacrylate polymers. The definition of the mixture as comprising fluoroacrylate polymers (plural) is clear in requiring the mixture to include more than one (i.e., a plural amount) of fluoroacrylate polymers. The prior objection to claim 5 as allegedly being unclear as to whether more than one fluoroacrylate polymer was required in the mixture is without merit. Clearly, by use of the plural term "fluoroacrylate polymers," more than one fluoroacrylate polymer must be present in the mixture.

For the foregoing reasons, reconsideration and withdrawal of the rejection of claim 5 under 35 U.S.C. §112, first paragraph are respectfully requested.

II. Rejections Under 35 U.S.C. §102(b)

Claims 1, 3, 4, 7, 8 and 14 were rejected under 35 U.S.C. §102(b) as allegedly being anticipated by WO 89-06190 (WO 190). This rejection is respectfully traversed.

Prior claim 17 was not rejected relying upon WO 190. In fact, the Office Action indicated that prior claim 17 contained allowable subject matter. As discussed above, claim 17 has been incorporated into claim 1. Accordingly, Applicants respectfully submit that this rejection is now moot. Reconsideration and withdrawal of this rejection are thus respectfully requested.

III. Rejections Under 35 U.S.C. §103(a)

Claim 2 was rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over WO 190 in view of U.S. Patent No. 3,671,542 (Kwolek). Further, claims 6, 9-13 and 15 were rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over WO 190 alone. These rejections are respectfully traversed.

As was discussed above, claim 17 has been incorporated into claim 1 by this Amendment. Neither of the rejections under 35 U.S.C. §103(a) rejected prior claim 17, and prior claim 17 was in fact indicated to contain allowable subject matter. Accordingly, Applicants respectfully submit that each of the rejections under 35 U.S.C. §103(a) are moot. Reconsideration and withdrawal of the rejections under 35 U.S.C. §103(a) are thus respectfully requested.

IV. Allowable Subject Matter

As has been discussed above, claim 17 was indicated to contain allowable subject matter, and claim 1 has been amended to include prior claim 17. Accordingly, claim 1 and the claims dependent therefrom should now be in condition for allowance.

Moreover, previously withdrawn claims 18 and 19 have been cancelled.


It is thus respectfully submitted that this application is now in condition for allowance.

V. Conclusion

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance of claims 1-16 are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,



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